## REMARKS

Claims 33-41 remain in this application. Claim 34 has been amended. Applicants respectfully request reconsideration in view of the following remarks.

**Applicants' Response to Rejection Under 35 U.S.C. §112**

Claim 34 is rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. The Examiner contends that the claim language "conventional textile manufacturing process" is not certain because any number of manufacturing processes may be deemed "conventional."

Applicants have amended claim 34 to recite that the tubular member is formed of a "textile material," which is a specific construction. This amendment is supported by disclosure in the original specification at page 8, and thus, no new matter has been added. As such, Applicants respectfully submit that the Examiner's rejection under Section 112 has been overcome and should be withdrawn.

**Applicants' Response to Rejection Under 35 U.S.C. §103**

Claims 33-41 are rejected under 35 U.S.C. §103(a) as allegedly being obvious over U.S. Patent No. 6,042,605 to Martin et al. (hereinafter "Martin"). Applicants respectfully traverse the rejection on the basis that the Examiner has failed to establish a prima facie case of obviousness.

The Examiner contends that Martin discloses an endoluminal prosthesis with an elongate ePTFE tubular member, a structural support member, and an elongate securement member that is a flat, thin suture helically arranged with respect to the longitudinal axis of the tubular member. The Examiner admits that Martin fails to disclose the width of the securement member to be less

than 0.60 mm, as required in Applicants' claims. The Examiner alleges, however, that it would have been obvious to choose such a width based on the disclosure in Martin.

Martin discloses a stent-graft device including a stent member, graft member, and coupling member, which is a broad or flat ribbon. Martin further discloses specific widths for the coupling member, particularly 0.025, 0.050 and 0.075 inches, all of which are wider than the 0.60 mm recitation in Applicants' claims. Therefore, as admitted by the Examiner, this element is not disclosed in Martin.

Contrary to the Examiner's allegations, however, this element also is not suggested by the disclosure in Martin. More specifically, Martin discloses a generally broad or flat coupling member, preferably a ribbon, of specified widths, as mentioned above. These widths all are wider than that claimed in the present application. Although Martin suggests varying the width of the coupling member, i.e., along the length of the ribbon, or increasing the width to achieve certain desired properties, nowhere in Martin is there a suggestion to decrease the width of the coupling member. Martin fails to suggest any desired properties, which could be achieved by decreasing the width. As such, there would be no motivation to alter the coupling member disclosed by Martin to obtain the presently claimed prosthesis. *See In re Kotzab*, 55 USPQ2d 1313, 1316-17 (Fed. Cir. 2000), *citing B.F. Goodrich Co. v. Aircraft Breaking Sys. Corp.*, 37 USPQ2d 1314, 1318 (Fed. Cir. 1996) ("Even when obviousness is based on a single prior art reference, there must be a showing of a suggestion or motivation to modify the teachings of that reference.").

Moreover, the disclosure in Martin actually teaches away from narrowing the width of the coupling member. As discussed above, the coupling member of Martin is a broad or flat ribbon. Martin specifically distinguishes its coupling member from thinner filament or thread-like sutures, asserting:

> **The coupling member also preferably has a generally broad or flat surface for interfacing with the stent and graft members as compared to filament or thread-like structures such as sutures.**

(U.S. Patent No. 6,042,605; Col. 6, lines 35-38).

Martin further explains that this broad, flat member is desired as it increases the potential bonding surface area between the coupling member and the graft member. Accordingly, structural integrity of the stent-graft is enhanced. (U.S. Patent No. 6,042,605; Col. 6, lines 38-40). Therefore, the teachings of Martin require a broad, flat coupling member to achieve the desired properties, as opposed to thinner securement members, such as filament or thread-like structures. Any suggestion in Martin to alter the width of the coupling member would involve increasing it to better achieve the desired properties. Therefore, Martin teaches away from a narrower width for the coupling member, as recited in Applicants' claims. *See Tec Air, Inc. v. Denso Mfg. Michigan, Inc.*, 52 USPQ2d 1294, 1298 (Fed. Cir. 1999), *citing In re Gurley*, 31 USPQ2d 1130,1131 (Fed. Cir. 1994) ("A reference may be said to teach away when a person of ordinary skill, upon reading the reference, would be discouraged from following the path set out in the reference, or would be led in a direction divergent from the path that was taken by the applicant or if it suggests that the line of development flowing from the reference's disclosure is unlikely to be productive of the result sought by the applicant.").

In view of the above, Martin fails to contain any disclosure that would suggest Applicant's claimed prosthesis. Accordingly, claims 33-41 would not be obvious in view of the teachings of Martin. Applicants respectfully request withdrawal of the Section 103 rejection based thereon.

As such, Applicants submit that the present claims 33-41 are patentably distinct over the art and allowable in form. Early allowance is therefore solicited. The Examiner is encouraged to

contact Applicants' undersigned attorney should there be any questions regarding this amendment. All correspondence should continue to be directed to the address given below.

Respectfully submitted,

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